

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

AvAun Johnson,

Case No. 4:08 CV 638

Petitioner,

MEMORANDUM OPINION
AND ORDER

-VS-

JUDGE JACK ZOUHARY

Warden Gunja,

Respondent.

On March 13, 2008, Petitioner *pro se* AvAun Johnson, an inmate at the Northeast Ohio Correctional Center (NEOCC), filed this habeas corpus action under 28 U.S.C. § 2241. Petitioner seeks an order reducing his federal sentence by two days for each day served at NEOCC on the ground that “the conditions at the NEOCC borderline on cruel and unusual punishment and this has caused him to serve a more onerous period of incarceration than that which was contemplated by the sentencing Court” (Petition p. 5).

Habeas corpus is not the appropriate vehicle for challenging the conditions of one’s confinement. *Abuhouran v. Morrison*, No. 02-3427, 49 Fed.App’x 349 (6th Cir. Sept. 18, 2002); *Okoro v. Scibana*, No. 99-1322, 1999 WL 1252871, at *2 (6th Cir. Dec. 15, 1999). Further, the numerous cases cited by Petitioner in support of his request for sentence modification all concern downward departures made by the trial court at sentencing. As such, they are not applicable here.

Accordingly, the Petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

May 7, 2008